

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK (IRELAND) LTD. (f/k/a  
FORTIS PRIME FUND SOLUTIONS BANK  
(IRELAND) LIMITED) and

ABN AMRO CUSTODIAL SERVICES  
(IRELAND) LTD. (f/k/a FORTIS PRIME FUND  
SOLUTIONS CUSTODIAL SERVICES  
(IRELAND) LTD.),

Defendants.

Adv. Pro. No. 10-05355 (SMB)

**NOTICE OF APPEAL**

**PLEASE TAKE NOTICE** that Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, individually, hereby appeals to the United

States District Court for the Southern District of New York pursuant to 28 U.S.C. § 158(a)(1), from each and every aspect of the final judgment annexed hereto as Exhibit 1 (the “Final Judgment”) of the Honorable Stuart M. Bernstein of the United States Bankruptcy Court for the Southern District of New York, entered in the above-captioned adversary proceeding (the “Adversary Proceeding”), *Picard v. ABN AMRO Bank (Ireland) et al.*, Adv. Pro. No. 10-05355 (SMB) (Bankr. S.D.N.Y. Feb. 6, 2020), ECF No. 189, and in the main adversary proceeding, *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y. Feb. 6, 2020), ECF No. 19273, resulting in the dismissal of all of the Trustee’s claims against the defendants, ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Limited) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a/ Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) in this Adversary Proceeding, including without limitation the following:

1. Memorandum Decision Denying Trustee’s Motion for Leave to File Amended Complaint (annexed hereto as Exhibit 2). *Picard v. ABN AMRO Bank (Ireland) et al.*, Adv. Pro. No. 10-05355 (SMB) (Bankr. S.D.N.Y. Jan. 23, 2020), ECF No. 188;
2. Memorandum Decision Denying the Trustee’s Motion for Discovery Pursuant to Rule 26(d) (annexed hereto as Exhibit 3). *Picard v. ABN AMRO Bank (Ireland) et al.*, 590 B.R. 200 (Bankr. S.D.N.Y. June 5, 2018) (Adv. Pro. No. 10-05355 (SMB)), ECF No. 155;
3. Order of the United States Bankruptcy Court for the Southern District of New York (Bernstein, J.), dated June 18, 2018, denying the Trustee’s motion for limited discovery pursuant to Federal Rules of Civil Procedure 26(d) (annexed hereto as Exhibit 4). *Picard v. ABN AMRO Bank (Ireland) et al.*, Adv. Pro. No. 10-05355 (SMB) (Bankr. S.D.N.Y. June 18, 2018), ECF No. 158;

4. Opinion and Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated April 28, 2014 (annexed hereto as Exhibit 5). *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re Madoff Sec.)*, 516 B.R. 18 (S.D.N.Y. 2014) (No. 12-mc-115 (JSR)), ECF No. 524.

The names of the relevant parties to the Final Judgment appealed, and the contact information of their attorneys, are as follows:

Trustee / Appellant	Counsel for Trustee / Appellant
Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff	BAKER & HOSTETLER LLP 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 David J. Sheehan Email: dsheehan@bakerlaw.com Regina Griffin Email: rgriffin@bakerlaw.com Elizabeth McCurrach Email: emccurrach@bakerlaw.com

Defendant / Appellee	Counsel for Defendant / Appellee
ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Limited) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a/ Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.)	LATHAM & WATKINS LLP 885 Third Avenue New York, New York 10022 Telephone: (212) 906-1200 Facsimile: (212) 751-4684 Christopher Harris Email: Christopher.harris@lw.com Thomas Giblin Email: Thomas.giblin@lw.com

Dated: February 19, 2020  
New York, New York

By: /s/ David J. Sheehan  
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Securities LLC and the Estate of Bernard L.  
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